

MAR 10 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GABINO BELLO-JUAREZ,

Defendant - Appellant.

No. 06-50472

D.C. No. CR-06-00596-MLH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Submitted February 26, 2008**

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Gabino Bello-Juarez appeals from the 46-month sentence imposed following his guilty-plea conviction for bringing in illegal aliens for financial gain, in violation of 8 U.S.C. § 1324(a)(2)(B)(ii), and transportation of illegal aliens

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

resulting in death, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii), (v)(II) and (a)(1)(B)(iv). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Bello-Juarez contends that his sentence is unreasonable because the district court treated the advisory Sentencing Guidelines range as presumptive and failed to adequately consider the 18 U.S.C. § 3553(a) factors. The record discloses that the district court considered the § 3553(a) factors and had a reasoned basis for exercising its sentencing discretion. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007). We conclude that the sentence was not unreasonable in light of § 3553(a). *See United States v. Booker*, 543 U.S. 220, 260-61 (2005); *see also Gall v. United States*, 128 S. Ct. 586, 594 (2007).

AFFIRMED.